

REMARKS

The parent reissue application was filed to provoke an interference which was declared in 1994, now Interference No. 103,036 of which Burroughs et al. is the senior party. Originally filed claims 13-50 were designated as corresponding to the count by Examiner Wieder. Claims 51-63 were added in the prosecution of the parent reissue application by an amendment filed on September 23, 1993. Prior to the declaration of interference, claims 1-12 and 52-63 of the parent reissue were deemed as not corresponding to the count in an office action dated November 29, 1993, para. 7, and to have overcome the rejections under 35 USC §§112 and 103.

In this continuation application, applicants have now canceled claims 1-11 and 13-50 of the parent reissue and added new claims 51-62 which are identical to claims 52-63, respectively, in the amended parent reissue. It is respectfully requested that the claims which do not correspond to the count, claims 12 and 51-62 of the instant application, and are not at issue in the interference, may issue as a separate reissue patent. Parent claims 1-12 and 52-63, now claims 51-62 of the instant continuation reissue application, were found to have overcome the §§112 and 103 rejections cited by Examiner Wieder and as such are allowable subject matter. A petition under 37 CFR §1.177 with fee is enclosed so that this continuation may issue separately from the parent reissue. No new matter has been added. When prosecution reopens, applicants will file an amendment in the parent reissue application canceling claims 1-12 and 52-63 to avoid a double patenting rejection.

A copy of the original reissue declaration and its supplements filed with the parent reissue application is enclosed with the filing of the instant continuation

application. Applicants allege the same errors as in the parent reissue and these errors will be corrected with the claims in the instant application which are identical to claims filed in the parent reissue. Thus, applicants submit that a new reissue declaration is not required.

Additionally, the undersigned believes that there is actual and on-going infringement of at least some of claims 12 and 51-62 of the instant application after a rigid analysis of the claims with a device currently in the marketplace. A Petition to Make Special Because of Actual Infringement along with the appropriate fee is included as well.

Applicants respectfully requests entry of this preliminary amendment and request that the continuation be allowed to issue as a separate reissue patent since claims 12 and 51-62 have been deemed patentable and are not at issue in Interference No. 103,036.

Respectfully submitted,



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